

EXHIBIT A

1 COOLEY LLP
 2 BOBBY GHAJAR (198719)
 (bghajar@cooley.com)
 3 COLETTE GHAZARIAN (322235)
 (cghazarian@cooley.com)
 4 1333 2nd Street, Suite 400
 Santa Monica, California 90401
 Telephone: (310) 883-6400
 5 Facsimile: (310) 883-6500

6 MARK WEINSTEIN (193043)
 (mweinstein@cooley.com)
 7 KATHLEEN HARTNETT (314267)
 (khartnett@cooley.com)
 8 JUDD LAUTER (290945)
 (jlauter@cooley.com)
 9 3175 Hanover Street
 Palo Alto, CA 94304-1130
 10 Telephone: (650) 843-5000
 Facsimile: (650) 849-7400

11 *Counsel for Defendant Meta Platforms, Inc.*

12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 RICHARD KADREY, et al.,
 16 Individual and Representative Plaintiffs,
 17 v.
 18 META PLATFORMS, INC., a Delaware
 corporation;
 19
 20 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
 OBJECTIONS AND RESPONSES TO
 PLAINTIFFS' FIRST SET OF REQUESTS FOR
 PRODUCTION**

Trial Date: None
 Date Action Filed: July 7, 2023

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1 Meta objects to this Request to the extent that it implies that Meta is responsible for having
 2 “assembl[ed]” the Gutenberg dataset.

3 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 4 needs of the case to the extent that it seeks “all” documents and communications concerning the
 5 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
 6 copyright infringement allegations and Meta’s defenses thereto.

7 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 8 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce, or, if
 9 technically infeasible or impractical to produce, identify public sources of or permit inspection of
 10 a copy of the “Gutenberg” dataset referenced in the paper “LLaMA: Open and Efficient Foundation
 11 Language Models.” Meta will also conduct a reasonable search for and produce non-privileged,
 12 relevant documents, if any, in its possession, custody, or control concerning the selection of said
 13 dataset for use in training any Meta Language Models (as construed above). Following the
 14 identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to
 15 be used to search for email and electronic communications, and subject to the foregoing objections
 16 as well as Meta’s objections to said custodians and search terms, Meta will also search for and
 17 produce non-privileged, relevant communications responsive to this Request, if any, in accordance
 18 with the limitations set forth in the ESI Order. Any such production shall be on a rolling basis, and
 19 the timing of any such production shall be governed by terms of the Scheduling Order (ECF No.
 20 87).

21 **REQUEST FOR PRODUCTION No. 6:**

22 Documents and Communications to, from, or with Project Gutenberg Concerning Training
 23 Data.

24 **RESPONSE TO REQUEST No. 6:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
 26 “Training Data” and “Communications.” Any electronic communications, including email and
 27 documents attached thereto, must be requested pursuant to the ESI Order.

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1 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 2 Communications to, from, or with” to the extent it is seeking materials other than those governed
 3 by the procedure for requesting email and electronic communications under the ESI Order, and
 4 Meta interprets the Request as seeking such email and electronic communications and Documents
 5 attached thereto. This Request is also vague and ambiguous as to the term “Project Gutenberg,”
 6 which is undefined. In the context of this Request, Meta will construe this phrase to mean the
 7 organization referenced here: <https://www.gutenberg.org/>.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 9 needs of the case to the extent that it is interpreted to seek all documents and communications
 10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 11 and disproportionate to the needs of the case to the extent it seeks documents and communications
 12 in the possession, custody, or control of, and/or concerns a third-party.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 14 Protective Order and ESI Order, following the identification of appropriate search terms and
 15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 16 communications, and subject to the foregoing objections as well as Meta’s objections to said
 17 custodians and search terms, Meta will search for and produce non-privileged, relevant
 18 communications responsive to this Request, if any, in accordance with the limitations set forth in
 19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION No. 7:**

22 Documents and Communications to, from, or with Library Genesis (aka LibGen)
 23 Concerning Training Data.

24 **RESPONSE TO REQUEST No. 7:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
 26 “Training Data” and “Communications.” Any electronic communications, including email and
 27 documents attached thereto, must be requested pursuant to the ESI Order.

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1 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 2 Communications to, from, or with” to the extent it is seeking materials other than those governed
 3 by the procedure for requesting email and electronic communications under the ESI Order, and
 4 Meta interprets the Request as seeking such email and electronic communications and Documents
 5 attached thereto. This Request is also vague and ambiguous as to the term “Library Genesis,”
 6 which is undefined. In the context of this Request, Meta will construe this phrase to mean the
 7 organization referenced here: <http://libgen.li/>.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 9 needs of the case to the extent that it is interpreted to seek all documents and communications
 10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 11 and disproportionate to the needs of the case to the extent it seeks documents and communications
 12 in the possession, custody, or control of, and/or concerns a third-party.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 14 Protective Order and ESI Order, following the identification of appropriate search terms and
 15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 16 communications, and subject to the foregoing objections as well as Meta’s objections to said
 17 custodians and search terms, Meta will search for and produce non-privileged, relevant
 18 communications responsive to this Request, if any, in accordance with the limitations set forth in
 19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION No. 8:**

22 Documents and Communications to, from, or with Z-Library (aka B-ok) Concerning
 23 Training Data.

24 **RESPONSE TO REQUEST No. 8:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
 26 “Training Data” and “Communications.” Any electronic communications, including email and
 27 documents attached thereto, must be requested pursuant to the ESI Order.

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1 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 2 Communications to, from, or with” to the extent it is seeking materials other than those governed
 3 by the procedure for requesting email and electronic communications under the ESI Order, and
 4 Meta interprets the Request as seeking such email and electronic communications and Documents
 5 attached thereto. This Request is also vague and ambiguous as to the term “Z-Library,” which is
 6 undefined. In the context of this Request, Meta will construe this phrase to mean the organization
 7 referenced here: <https://z-lib.io/>.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 9 needs of the case to the extent that it is interpreted to seek all documents and communications
 10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 11 and disproportionate to the needs of the case to the extent it seeks documents and communications
 12 in the possession, custody, or control of, and/or concerns a third-party.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 14 Protective Order and ESI Order, following the identification of appropriate search terms and
 15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 16 communications, and subject to the foregoing objections as well as Meta’s objections to said
 17 custodians and search terms, Meta will search for and produce non-privileged, relevant
 18 communications responsive to this Request, if any, in accordance with the limitations set forth in
 19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION No. 9:**

22 Documents and Communications to, from, or with Sci-Hub Concerning Training Data.

23 **RESPONSE TO REQUEST No. 9:**

24 Meta incorporates by reference its objections and definitions above, including to the terms
 25 “Training Data” and “Communications.” Any electronic communications, including email and
 26 documents attached thereto, must be requested pursuant to the ESI Order.

27 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 28 Communications to, from, or with” to the extent it is seeking materials other than those governed

1 by the procedure for requesting email and electronic communications under the ESI Order, and
 2 Meta interprets the Request as seeking such email and electronic communications and Documents
 3 attached thereto. This Request is also vague and ambiguous as to the term “Sci-Hub,” which is
 4 undefined. In the context of this Request, Meta will construe this phrase to mean the organization
 5 referenced here: <https://sci-hub.se/database>.

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 7 needs of the case to the extent that it is interpreted to seek all documents and communications
 8 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 9 and disproportionate to the needs of the case to the extent it seeks documents and communications
 10 in the possession, custody, or control of, and/or concerns a third-party.

11 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 12 Protective Order and ESI Order, following the identification of appropriate search terms and
 13 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 14 communications, and subject to the foregoing objections as well as Meta’s objections to said
 15 custodians and search terms, Meta will search for and produce non-privileged, relevant
 16 communications responsive to this Request, if any, in accordance with the limitations set forth in
 17 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 18 production shall be governed by terms of the Scheduling Order (ECF No. 87).

19 **REQUEST FOR PRODUCTION No. 10:**

20 Documents and Communications to, from, or with Bibliotik Concerning Training Data.

21 **RESPONSE TO REQUEST No. 10:**

22 Meta incorporates by reference its objections and definitions above, including to the terms
 23 “Training Data” and “Communications.” Any electronic communications, including email and
 24 documents attached thereto, must be requested pursuant to the ESI Order.

25 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 26 Communications to, from, or with” to the extent it is seeking materials other than those governed
 27 by the procedure for requesting email and electronic communications under the ESI Order, and
 28 Meta interprets the Request as seeking such email and electronic communications and Documents

1 attached thereto. This Request is also vague and ambiguous as to the term “Bibliotik,” which is
 2 undefined. Furthermore, the Request is vague, ambiguous, and unintelligible as to “Documents
 3 and Communications to, from, or with Bibliotik,” which Meta understands to be the name of a
 4 dataset rather than an individual, group, business, or organization.

5 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 6 needs of the case to the extent that it is interpreted to seek all documents and communications
 7 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 8 and disproportionate to the needs of the case to the extent it seeks documents and communications
 9 in the possession, custody, or control of, and/or concerns what Plaintiffs appear to believe is third-
 10 party.

11 **REQUEST FOR PRODUCTION No. 11:**

12 Documents and Communications to, from, or with The Eye Concerning Training Data.

13 **RESPONSE TO REQUEST No. 11:**

14 Meta incorporates by reference its objections and definitions above, including to the terms
 15 “Training Data” and “Communications.” Any electronic communications, including email and
 16 documents attached thereto, must be requested pursuant to the ESI Order.

17 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
 18 Communications to, from, or with” to the extent it is seeking materials other than those governed
 19 by the procedure for requesting email and electronic communications under the ESI Order, and
 20 Meta interprets the Request as seeking such email and electronic communications and Documents
 21 attached thereto. This Request is also vague and ambiguous as to the term “The Eye,” which is
 22 undefined. In the context of this Request, Meta will construe this phrase to mean the organization
 23 referenced here: <https://the-eye.eu/>.

24 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 25 needs of the case to the extent that it is interpreted to seek all documents and communications
 26 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 27 and disproportionate to the needs of the case to the extent it seeks documents and communications
 28 in the possession, custody, or control of, and/or concerns a third-party.

1 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 2 Protective Order and ESI Order, following the identification of appropriate search terms and
 3 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 4 communications, and subject to the foregoing objections as well as Meta's objections to said
 5 custodians and search terms, Meta will search for and produce non-privileged, relevant
 6 communications responsive to this Request, if any, in accordance with the limitations set forth in
 7 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 8 production shall be governed by terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 12:**

10 Documents and Communications to, from, or with Anna's Archive Concerning Training
 11 Data.

12 **RESPONSE TO REQUEST NO. 12:**

13 Meta incorporates by reference its objections and definitions above, including to the terms
 14 "Training Data" and "Communications." Any electronic communications, including email and
 15 documents attached thereto, must be requested pursuant to the ESI Order.

16 Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and
 17 Communications to, from, or with" to the extent it is seeking materials other than those governed
 18 by the procedure for requesting email and electronic communications under the ESI Order, and
 19 Meta interprets the Request as seeking such email and electronic communications and Documents
 20 attached thereto. This Request is also vague and ambiguous as to the term "Anna's Archive," which
 21 is undefined. In the context of this Request, Meta will construe this phrase to mean the organization
 22 referenced here: <https://annas-archive.org/>.

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 24 needs of the case to the extent that it is interpreted to seek all documents and communications
 25 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
 26 and disproportionate to the needs of the case to the extent it seeks documents and communications
 27 in the possession, custody, or control of, and/or concerns a third-party.

28

1 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 2 Protective Order and ESI Order, following the identification of appropriate search terms and
 3 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
 4 communications, and subject to the foregoing objections as well as Meta's objections to said
 5 custodians and search terms, Meta will search for and produce non-privileged, relevant
 6 communications responsive to this Request, if any, in accordance with the limitations set forth in
 7 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 8 production shall be governed by terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 13:**

10 Documents and Communications to, from, or with Hugo Touvron Concerning Training
 11 Data.

12 **RESPONSE TO REQUEST NO. 13:**

13 Meta incorporates by reference its objections and definitions above, including to the terms
 14 "Training Data" and "Communications." Any electronic communications, including email and
 15 documents attached thereto, must be requested pursuant to the ESI Order.

16 Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and
 17 Communications to, from, or with" to the extent it is seeking materials other than those governed
 18 by the procedure for requesting email and electronic communications under the ESI Order, and
 19 Meta interprets the Request as seeking such email and electronic communications and Documents
 20 attached thereto.

21 Meta objects to this Request because, on its face, it does not exclude documents and
 22 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 23 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 24 documents will not be produced.

25 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 26 needs of the case to the extent that it is interpreted to seek all documents and communications
 27 concerning the subject matter of the Request, including documents with limited, if any, relevance
 28 to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

1 COOLEY LLP
2 BOBBY GHAJAR (198719)
(bghajar@cooley.com)
3 COLETTE GHAZARIAN (322235)
(cghazarian@cooley.com)
4 1333 2nd Street, Suite 400
Santa Monica, California 90401
Telephone: (310) 883-6400
5 MARK WEINSTEIN (193043)
(mweinstein@cooley.com)
6 KATHLEEN HARTNETT (314267)
(khartnett@cooley.com)
7 JUDD LAUTER (290945)
(jlauter@cooley.com)
8 ELIZABETH L. STAMESHKIN (260865)
(lstameshkin@cooley.com)
9 3175 Hanover Street
Palo Alto, CA 94304-1130
10 Telephone: (650) 843-5000
11 CLEARY GOTTLIEB STEEN & HAMILTON LLP
12 ANGELA L. DUNNING (212047)
(adunning@cgsh.com)
13 1841 Page Mill Road, Suite 250
Palo Alto, CA 94304
14 Telephone: (650) 815-4131
15 *[Full Listing on Signature Page]*
Counsel for Defendant Meta Platforms, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

19 RICHARD KADREY, *et al.*,
20 Individual and Representative
21 Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
24 corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIFTH SET OF REQUESTS FOR
PRODUCTION**

1 Meta objects to this Request to the extent it seeks information that is not relevant to any
 2 party's claims or defenses.

3 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 4 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 5 privileged, responsive documents in its possession, custody, or control, if any, concerning Hugging
 6 Face's involvement, if any, in the dissemination of Books3.

7 **REQUEST FOR PRODUCTION NO. 85:**

8 All Documents and Communications related to the decision to use Torrent Systems to
 9 acquire data for training Llama Models.

10 **RESPONSE TO REQUEST NO. 85:**

11 Meta incorporates by reference its objections and definitions above. Any electronic
 12 communications, including emails and documents attached thereto, will only be produced pursuant
 13 to and in accordance with the ESI Order.

14 Meta objects to this Request because, on its face, it does not exclude documents and
 15 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 16 opinions, which are subject to attorney-client privilege and/or attorney work product
 17 doctrine. Such documents will not be produced.

18 Meta objects to this Request as vague and ambiguous as to the terms "decision to use" and
 19 "acquire data." Meta construes this Request as seeking documents related to any decision by Meta
 20 to use data accessed through Torrent Systems (as construed above) for training Llama Models (as
 21 construed above).

22 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 23 needs of the case to the extent that it seeks all documents and communications concerning the
 24 subject matter of the Request, including documents and communications with limited, if any,
 25 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

26 Meta objects to this Request to the extent it seeks information that is not relevant to any
 27 party's claims or defenses.

28 Subject to and without waiving the foregoing objections, and pursuant to the terms of the

1 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 2 privileged, responsive documents in its possession, custody, or control, if any, concerning any
 3 decision by Meta to use Torrent Systems (as construed above) to acquire data for training the Llama
 4 Models (as construed above).

5 **REQUEST FOR PRODUCTION No. 86:**

6 All Documents and Communications related to the decision to use books for long-range
 7 context modeling research.

8 **RESPONSE TO REQUEST No. 86:**

9 Meta incorporates by reference its objections and definitions above. Any electronic
 10 communications, including emails and documents attached thereto, will only be produced pursuant
 11 to and in accordance with the ESI Order.

12 Meta objects to this Request because, on its face, it does not exclude documents and
 13 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 14 opinions, which are subject to attorney-client privilege and/or attorney work product
 15 doctrine. Such documents will not be produced.

16 Meta objects to this Request on the ground that it assumes that Meta used books for long-
 17 range context research.

18 Meta objects to this Request as vague and ambiguous as to the terms "decision," which is
 19 non-specific as to the purported decisionmaker at issue, and "use of books," which is not limited in
 20 time or scope or to particular LLMs. Meta construes this Request as seeking documents concerning
 21 Meta's decision, if any, to use books as training data for long-range context research related to the
 22 Llama Models (as construed above).

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 24 needs of the case to the extent that it seeks all documents and communications concerning the
 25 subject matter of the Request, including documents and communications with limited, if any,
 26 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

27 Meta objects to this Request to the extent it seeks information that is not relevant to any
 28 party's claims or defenses.

1 Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted
 2 material,” as the Request does not identify any and Meta is not in a position to know whether any
 3 particular work is subject to copyright protection. Meta construes this Request as seeking
 4 documents concerning Meta’s training data memorization mitigations for the Llama Models (as
 5 construed above).

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 7 needs of the case to the extent that it seeks all documents and communications, including source
 8 code, concerning the subject matter of the Request, including documents and communications with
 9 limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses
 10 thereto.

11 Meta objects to this Request to the extent it seeks information that is not relevant to any
 12 party’s claims or defenses.

13 Meta objects to this Request as duplicative of other Requests, including Request No. 116.

14 Meta objects to this Request to the extent that Meta has already searched for and produced
 15 documents responsive to this Request, which overlaps with prior Requests.

16 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 17 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 18 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show
 19 Meta’s training data memorization mitigations for the Llama Models (as construed above).

20 **REQUEST FOR PRODUCTION NO. 119:**

21 All Documents and Communications, including source code, relating to the processing of
 22 copyrighted material used in training Llama Models, including storage and deletion of copyrighted
 23 material.

24 **RESPONSE TO REQUEST NO. 119:**

25 Meta incorporates by reference its objections and definitions above. Any electronic
 26 communications, including emails and documents attached thereto, will only be produced pursuant
 27 to and in accordance with the ESI Order.

28 Meta objects to this Request because, on its face, it does not exclude documents and

1 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 2 opinions, which are subject to attorney-client privilege and/or attorney work product
 3 doctrine. Such documents will not be produced.

4 Meta objects to this Request as vague, ambiguous, and indefinite as to "copyrighted
 5 material," as the Request does not identify any and Meta is not in a position to know whether any
 6 particular training data is protected by copyright. Meta also objects to this Request on the ground
 7 that it presupposes that there are documents related to the processing, storage, and deletion of
 8 copyrighted material separate and apart from other training data.

9 Meta objects to this Request as duplicative of other Requests.

10 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 11 needs of the case to the extent that it seeks all documents and communications concerning the
 12 subject matter of the Request, including documents and communications, including source code,
 13 with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses
 14 thereto.

15 Meta objects to this Request to the extent it seeks information that is not relevant to any
 16 party's claims or defenses.

17 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116
 18 and 118.

19 Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of
 20 this Request.

21 **REQUEST FOR PRODUCTION No. 120:**

22 All Documents and Communications, including source code, relating to actual or
 23 contemplated source code changes within Llama Models, including source code "commits" and
 24 "pull requests."

25 **RESPONSE TO REQUEST No. 120:**

26 Meta incorporates by reference its objections and definitions above. Any electronic
 27 communications, including emails and documents attached thereto, will only be produced pursuant
 28 to and in accordance with the ESI Order.